

Maine Board of Dental Practice
Board Meeting Minutes
June 9, 2017

The Board meeting convened at 9:09 a.m.

Board Members Present: Drs. Geraldine Schneider; Lisa Howard; Stephen Morse; Paul Dunbar; and Glen Davis; Ms. Nancy Foster, RDH, EFDA; Ms. Catherine Kasprak, RDH; Ms. Kathryn Young, LD; and Ms. Rowan Morse, Public Member

Also Present: Michael Adkins, LD; Lorraine Klug, RDH; Bonnie Vaughan, RDH; Ann-Marie Grenier, RDH; Lani Graham, MD; Heidi LaMonica; Heidi Wright; Dr. Amy Tardy; Adam Lee, Esquire; David Wicks, DDS; Howard Bates, DMD; Daniel Figueiredo, DMD; Mark Kenny, Esquire; Lauren LaRochelle, Assistant Attorney General; Teneale Johnson, Executive Secretary; and Penny Vaillancourt, Executive Director

Subcommittee on Denturists Report: Dr. Davis provided the following report to the Board:

- The Denturist Subcommittee members accepted their draft minutes of the January 6, 2017 meeting.
- Review of Consent Agreement Compliance Documentation – Complaint 09-39: The Subcommittee reviewed consent agreement compliance documentation for complaint 09-39. Following their review, the Subcommittee voted to recommend that the Board initiate a complaint against the licensee for non-compliance with consent agreement. The Subcommittee also recommended that the review/approval of an amended contract between the Maine Medical Professionals Health Program and this licensee be delegated to staff. Ms. Foster made a motion to accept the Subcommittee recommendation. Dr. Morse seconded the motion and it passed unanimously.
- Finally, the Subcommittee recommends to the Board, that the review of any applications (initial licensure and renewal) related to denturists licensure/authority/permits, where a criminal conviction has been previously disclosed, be delegated to Board staff for review and approval. Dr. Davis made a motion to accept the Subcommittee recommendation. Dr. Morse seconded the motion and it passed unanimously.

Subcommittee on Dental Hygienists Report: Ms. Grenier provided the following report to the Board:

- The Subcommittee recommends that the review of any applications related to dental hygiene, where a criminal conviction has been previously disclosed, be delegated to Board staff for review and approval. Ms. Young made a motion to accept the Subcommittee recommendation. Dr. Morse seconded the motion and it passed unanimously.
- Review of Public Health Supervision (PHS) Notification form and letter: Following review of the materials which included a letter that indicated that the licensee had provided PHS services prior to submitting the appropriate forms, the Subcommittee voted to recommend to the Board, that it send an informational letter outlining the requirements for providing services under PHS. Dr. Howard made a motion to accept the Subcommittee recommendation. Dr. Dunbar seconded the motion and it passed unanimously.
- Application for Nitrous Oxide – Barbara Frost – University of Maryland: Following their review of the application materials, the Subcommittee voted to recommend that the Board approve the nitrous oxide course as meeting the requirements for a Maine permit; and that they grant Ms. Frost her permit. Dr. Dunbar made a motion to accept the Subcommittee recommendations. Ms. Young seconded the motion and it passed unanimously.
- Application for Dental Hygiene license and permits – Wesley Shepard: following their review of the application materials, the Subcommittee voted to recommend to the Board that they grant Ms. Shepard a dental hygiene license, local anesthesia permit, and nitrous oxide permit. A letter reminding her of the 10 day notification requirement, and providing her with information for the MMPHP will also be sent. Dr. Howard made a motion to accept the Subcommittee recommendation. Ms. Kasprak seconded the motion and it passed unanimously.
- Application for Dental Hygiene license and permits – Laurie Dow: Following their review of the application materials, the Subcommittee voted to recommend to the Board that they grant Ms. Dow a dental hygiene license, local anesthesia permit, and nitrous oxide permit. A letter reminding her of the 10 day notification requirement, and providing her with information for the MMPHP will also be sent. Ms. Morse made a motion to accept the Subcommittee recommendation. Ms. Young seconded the motion and it passed unanimously.

Maine Medical Professionals Health Program (MMPHP) Annual Report: Dr. Lani Graham; Dr. Amy Tardy; Ms. Heidi Lamonica; and Ms. Heidi Wright were present for the MMPHP annual report presentation. Dr. Graham provided an overview of the MPHP. The Board relayed its concerns with the lack of communication between the MPHP, licensees, and the Board office. Dr. Graham indicated that they will communicate better with the board and they are committed to paying close attention to consent agreements in place.

Complaint 15-5: The Board had tabled this complaint on March 11, 2016 following an informal conference with the licensee. The Board requested additional records from the licensee's former employment, and from his current employment. The complainant in this case alleged that the licensee ordered unnecessary treatment for her daughter. Following the Board's review of the materials, Dr. Dunbar made a motion to offer a consent agreement to the licensee which would include a Warning, and that the licensee complete a total of fifteen (15) hours of continuing education; 12 hours in diagnosis, and three (3) hours in ethics, within 1 year from the effective date. The continuing education must be pre-approved by the Complaint Officer, and cannot be used towards the renewal of his license. Dr. Morse seconded the motion and it passed with Dr. Davis recused as the Complaint Officer

Ms. Young made a motion to set the matter for an adjudicatory hearing if the consent agreement is not signed. Ms. Kasprak seconded the motion and it passed with Dr. Davis recused as the Complaint Officer.

Rule Making Items:

Proposed Rules:

- Chapter 2 "Qualifications for Dental Hygiene Licensure and Dental Hygiene Authorities; and Requirements for the Administration of Local Anesthesia and Use of Nitrous Oxide": Ms. Young made a motion to formally propose the rule with the suggested changes. Dr. Dunbar seconded the motion and it passed unanimously.
- Chapter 3 "Qualifications for Expanded Function Dental Assistant Licensure": Dr. Howard made a motion to formally propose the rule as drafted. Ms. Young seconded the motion and it passed unanimously.
- Chapter 5 "Qualifications for Denturist Licensure": A motion was made to formally propose the chapter as drafted. Dr. Morse seconded the motion and it passed unanimously.

Rule Making Items (Cont'd):

- Chapter 10 “Qualifications for Dental Radiography Licensure”: Dr. Davis made a motion to formally propose the rule as amended. Dr. Morse seconded the motion and it passed unanimously.
- Chapter 11 “Qualifications for Licensure by Endorsement; Requirements for Renewal, Late Renewal, and Reinstatement of Licenses and Authorities”: Dr. Howard made a motion to formally propose the chapter as drafted. Dr. Morse seconded the motion and it passed unanimously.
- Chapter 12 “Qualifications for Dentist Licensure”: Dr. Morse made a motion to formally propose the rule as amended. Dr. Dunbar seconded the motion and it passed unanimously.
- Chapter 18 “Qualifications for Initial and Renewal of Registrations”: A motion was made to formally propose the rule as amended. Dr. Davis seconded the motion and it passed unanimously.
- Revisit Chapter 2 “Qualifications for Dental Hygiene Licensure and Dental Hygiene Authorities; and Requirements for the Administration of Local Anesthesia and Use of Nitrous Oxide”: Ms. Kasprak made a motion to further amend the draft rule to make the examination provisions read as it does in the proposed dentist licensure chapter. Dr. Howard seconded the motion and it passed unanimously.

Review of Comments Received; Review of Draft Basis Statement and Response to Comments; Vote to Adopt Re: Chapter 14 – “Rules for Use of Sedation and General Anesthesia”:

- Basis Statement and Response to Comments – Dr. Howard made a motion to accept the draft basis statement and response to comments document with one amendment. Dr. Morse seconded the motion and it passed unanimously.
- Dr. Howard made a motion to formally adopt chapter 14 as amended. Dr. Davis seconded the motion and it passed unanimously.

Consent Agreement Compliance Documentation Review – Complaints 15-

37, 16-46, and 16-70: Following their review of the consent agreement compliance documentation, the following reports were absent: A) the licensee missed two counseling sessions for the month of February 2017 and one session in March 2017; B) the licensee failed to provide proof of attending one self-help meeting for the month of March 2017; and C) the licensee missed a random test for the month of April 2017. Any reduction of testing or sessions must be pre-approved by the Board.

Dr. Davis made a motion to file a complaint against the licensee for non-compliance with the consent agreement as it relates to the random screenings, the self-help sessions, and failure to receive pre-approval from the Board for the changes in sessions/testing. Dr. Morse seconded the motion and it passed with Dr. Dunbar recused as the Complaint Officer.

Dr. Davis made a motion to send a letter to licensee asking that the compliance reports be submitted by him, and not the Medical Professionals Health Program, and remind him that any changes need to be pre-approved by the Board. A copy of the letter will be sent to the MPHP. Dr. Morse seconded the motion and it passed with Dr. Dunbar recused as the Complaint Officer.

Consent Agreement Compliance – Complaint 15-7: Following the Board’s review of the consent agreement compliance documentation, Ms. Foster made a motion to initiate a complaint against the licensee for non-compliance with the consent agreement as it relates to her reporting of self-help sessions and counseling sessions; a copy of the compliance letter sent to her attorney when the consent agreement was signed will be included. Dr. Morse seconded the motion and it passed with Dr. Howard opposed. The Board will also send a letter to the licensee reminding her of the reporting requirements and that any changes need to be pre-approved by the Board. A copy of the letter will be sent to the MPHP.

Application for Dental Licensure – Alex M. Kerbaugh, DMD: Following their review of the application materials, Dr. Davis made a motion to grant a dental license to Dr. Kerbaugh. Ms. Morse seconded the motion and it passed unanimously.

Addition: As it relates to convictions that have been previously disclosed, reviewed and approved by the Board, Dr. Howard made a motion to delegate the review and approval to Board staff. Dr. Morse seconded the motion and it passed unanimously.

Application for Dental Licensure – Jeffrey Graffam, DMD: Following their review of the application materials, Dr. Dunbar made a motion to grant a dental license to Dr. Graffam. Ms. Foster seconded the motion and it passed unanimously.

Application for Dental Extern Registration – Benjamin E. Lacy: Following their review of the application materials, Ms. Foster made a motion to grant the dental extern registration to Mr. Lacy. Dr. Howard seconded the motion and it passed unanimously.

Application for Moderate Parenteral Sedation Permit – Genko Stanilov, DMD: Following the Board’s review of the application materials, Dr. Davis motion to grant Dr. Stanilov a moderate parenteral sedation permit. Dr. Dunbar seconded the motion and it passed unanimously.

Application for Dental Licensure – Drew Barder, DMD: Following their review of the application materials, Ms. Foster made a motion to grant a dental license to Dr. Barder, and to remind him of the 10-day reporting requirements outlined in the Board’s statute. Ms. Young seconded the motion and it passed unanimously.

Board Meeting Minutes:

- April 14, 2017 – Ms. Foster made a motion to table the review of the minutes in order to determine the wording is accurate as it relates to complaint 15-22. Dr. Howard seconded the motion and it passed unanimously.
- May 12, 2017: Following their review, Dr. Howard made a motion to approve the minutes as drafted. Ms. Young seconded the motion and it passed unanimously.

Executive Director’s Report:

- Legislative Update:
 - LD 1085 – This emergency legislation is now in effect and changes the requirements for independent practice dental hygiene authority by removing the timeframe by which the clinical practice hours must be obtained. The law also removes the number of hours required based on upon the type of hygiene degree obtained. Board staff will be implementing the changes to the application and will consider any necessary changes needed in rules.

Executive Director's Report (Cont'd):

- Rulemaking Update:
 - Chapter 13 “Continuing Education” – There will be a public hearing for this proposed rule on July 14th. The Board will review all comments received at their August meeting.
 - Chapter 14 “Rules for Use of Sedation and General Anesthesia” – The Board will consider the basis statement and response to comments document today. The rule will then go to the Governor’s Office and the Attorney General’s Office for review.
- Adjudicatory Hearing Schedule: There is a hearing scheduled for June 16th
- Statute review – When time permits, Ms. Vaillancourt will provide an overview of the Board’s statute.
- Out of State Travel Requests:
 - Request for out of state travel approval for Ms. Foster to attend the American Association of Dental Board’s meeting. Dr. Davis made a motion to approve the travel. Ms. Kasprak seconded the motion and it passed unanimously.
 - Request for out of state travel approval for Ms. Vaillancourt to attend the FARB Regulatory Law Seminar. Dr. Davis made a motion to approve the travel. Dr. Morse seconded the motion and it passed unanimously.
- 2018 Board Meeting Schedule – the Board selected the following dates:

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| January 19 th | July 13 th |
| February 9 th | August 17 th |
| March 9 th | September 14 th |
| April 6 th | October 12 th |
| May 11 th | November 9 th |
| June 15 th | December 7 th |
- Continuing Education Audit – Board staff is continuing to work on audits from the 2014 & 2015 license biennium, and requests that the Board forego the 2016-2017 audits, with the exception of any audits that have been mandated. The Board agreed with the request.

E-mail from Paul Andrews Re: Teeth Whitening Services: Dr. Howard made a motion to send the response as drafted with an amendment to the last sentence which should state “future statutory changes for example could affect the information contained in this letter”. Dr. Davis seconded the motion and it passed unanimously.

E-mail from Jim Moran Re: In Office Teeth Whitening by Unlicensed Person: Following their review of the e-mail inquiry from Mr. Moran, Dr. Davis made a motion to send the response to Mr. Moran as drafted. Dr. Morse seconded the motion and it passed unanimously.

E-mail from Dr. Michael Sigler Re: Regulatory Question: Following their review of the letter from Dr. Sigler, Dr. Morse made a motion to send the response as drafted. Dr. Davis seconded the motion and it passed unanimously.

Overview of UNE College of Dental Medicine CODA Visit: Dr. Morse recently participated in a Commission on Dental Accreditation site visit to the University of New England – College of Dental Medicine. He relayed that the experience was extremely informative.

Letter from the American Association of Dental Boards RE: The American Dental Association Proposed Examination: Following their review of the letter, the Board accepted it as an FYI.

Continuing Education Approval List:

- While reviewing the continuing education approval list, the Board asked that staff inquire of other dental licensing boards whether their statutes or rules require a dental office to have an AED.

Preliminary Agenda for Upcoming Meetings: The document was accepted as an FYI.

Old Business:

- Maine Medical Association – Maine Professionals Health Program – The Office of the Attorney General and the Maine Medical Association are continuing to work on an amendment to the Protocols.

Case Management Report: The Board accepted the information as an FYI.

The Board meeting adjourned at 5:07 p.m.

Respectfully Submitted,

Teneale E. Johnson
Executive Secretary